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Attorneys for Defendant
TARGET CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GOCLEAR LLC, a California limited
liability company,

Plaintiff,

v.

TARGET CORPORATION, a Minnesota
corporation,

Defendant.

AND RELATED COUNTERCLAIMS.

CASE NO. CV 08-02134 MMC

**STIPULATION AND [PROPOSED] ORDER
TAKING DISCOVERY AND PRE-TRIAL
DEADLINES OFF CALENDAR**

AND ORDER THEREON

Pursuant to Local Rules 6-2 and 7-12, plaintiff GoClear LLC (“GoClear”) and defendant Target Corporation (“Target”), through their respective counsel, submit the following stipulation and proposed order taking all discovery and pre-trial filing deadlines off calendar in light of the parties’ settlement.

The parties have been working with the Honorable Edward A. Infante (Ret.) of JAMS and have reached a settlement in principle that will resolve all outstanding claims and counterclaims at issue in this case.

The parties are in the process of drafting a formal agreement to memorialize that settlement.

There are presently a number of discovery and other pre-trial deadlines approaching, and the parties wish to take those deadlines off calendar while the parties finalize their written settlement agreement.

NOW, THEREFORE, the parties stipulate and agree as follows:

1. The non-expert discovery cutoff currently scheduled for April 17, 2009, is off calendar.
2. The designation of the parties’ experts and opening reports currently scheduled for May 1, 2009, is off calendar.
3. The deadline for rebuttal expert reports currently scheduled for May 15, 2009, is off calendar.
4. The expert discovery cutoff currently scheduled for May 29, 2009, is off calendar.
5. No later than April 27, 2009, the parties will either (i) dismiss this lawsuit pursuant to a final written settlement agreement; or (ii) report back to the Court if a written agreement has

1 not yet been finalized.

2 IT IS SO STIPULATED

3 Dated: April 14, 2009

LATHAM & WATKINS LLP

4
5 By: /s/

James L. Day
Attorneys for Plaintiff
GoClear LLC

6
7 Dated April 14, 2009

MORRISON & FOERSTER LLP

8
9 By: /s/

Jennifer Lee Taylor
Attorneys for Defendant
Target Corporation

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11
12 Pursuant to Northern Dist. General Order 45-X(B), I attest that concurrence in the filing of this
13 document has been obtained from the individuals identified above.

14
15 /s/

James L. Day

16
17 **ORDER**

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19
20 April 15, 2009

21 Date


The Honorable Maxine M. Chesney